

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROOSEVELT L. WILLIAMS, #541415,
Petitioner,

v.

CIVIL CASE NO. 10-13659
DISTRICT JUDGE PATRICK J. DUGGAN

PEOPLE OF THE STATE OF
MICHIGAN, BERRIEN COUNTY
TRIAL COURT, and M. LOUISE STINE,
Respondents.

ORDER OF DISMISSAL

On September 14, 2010, petitioner Roosevelt L. Williams filed a *pro se* petition for the writ of mandamus. Respondents are the People of the State of Michigan, the Berrien County Trial Court, and M. Louise Stine, who is the clerk of both Berrien County and Berrien County Circuit Court. The mandamus petition appears to allege that Ms. Stine has failed to produce copies of certain documents which Petitioner requested. Petitioner seeks money damages and production of the documents.

Petitioner did not pay the filing fee for his mandamus petition, and a search of federal court records revealed that three of Petitioner's prior complaints have been dismissed for failure to state a claim. *See Williams v. Winnicki, et al.*, No. 2:08-cv-00069 (W.D. Mich. June 19, 2008); *Williams v. Mumma, et al.*, No. 2:08-cv-00043 (W.D. Mich. June 23, 2008); *Williams v. Caruso, et al.*, No. 2:08-cv-00036 (W.D. Mich. Aug. 12, 2008). Pursuant to the Prison Litigation Reform Act of 1995 (PLRA), Pub. L. No. 104-134, 110 Stat. 1321 (Apr. 26, 1996), an inmate may not bring a civil action *in forma pauperis* if he has, on three or more prior occasions, brought an action that was dismissed

as frivolous, as malicious, or for failure to state a claim for which relief may be granted. 28 U.S.C. § 1915(g). An exception exists for prisoners who are “under imminent danger of serious physical injury.” *Id.*¹ Accordingly, on December 3, 2010, United States Magistrate Judge R. Steven Whalen ordered Petitioner to prepay the filing fee of \$350.00 or to show cause why his petition should not be dismissed for failing to prepay the fee. Magistrate Judge Whalen warned Petitioner that failure to comply with his order within thirty days could result in the dismissal of the petition for lack of prosecution.

As of today’s date, Petitioner has not paid the filing fee, nor filed an answer to Magistrate Judge Whalen’s order to show cause. Furthermore, nothing in the complaint suggests that Petitioner is under imminent danger of serious physical injury.

Accordingly,

IT IS ORDERED that the complaint is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(g) for failure to prepay the filing fee.

Dated: January 13, 2011

Copy mailed to:

Roosevelt Williams, #541415
Oaks Correctional Facility
1500 Caberfae Highway
Manistee, MI 49660

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

¹ “The PLRA applies to mandamus petitions that seek relief analogous to civil complaints under 42 U.S.C. § 1983.” *Misiak v. Freeh*, 22 F. App’x 384, 386 (6th Cir. Aug. 8, 2001).